

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

ENTROPIC COMMUNICATIONS, INC.,

Defendant.

CASE NO. 6:13-cv-125 MHS

CONSOLIDATED CASE

Jury Trial Demanded

DECLARATION OF RANDALL GARTEISER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO DEFENDANT
ENTROPIC COMMUNICATIONS, INC.'S MOTION TO DISMISS [DKT. 533]

I, Randall T. Garteiser, declare as follows:

1. I, Randall T. Garteiser, am a partner in the law firm of Garteiser Honea, P.C. We represent Plaintiff Blue Spike LLC in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit 1 is a true and correct copy of a document titled "Report and Recommendation of United States Magistrate Judge" filed in *Patent Harbor, LLC v. DreamWorks Animation SKG, Inc.*, No. 6:11-cv-229 (E.D. Tex. July 27, 2012) as docket item 486.

3. Attached hereto as Exhibit 2 is a true and correct copy of an article in Entropic Communications' website titled "Entropic Partners with Flingo for Interactive TV within Set-Top Boxes and Second Screens" accessed on April 9, 2013. In this press release, Entropic Communications, Inc. describes the accused products' automatic-content-recognition capabilities.

4. Attached hereto as Exhibit 3 is a true and correct copy of an article titled "Flingo's Industry-Leading Automatic Content Recognition (ACR) Technology" located in Flingo's website accessed on April 9, 2013.

5. Attached hereto as Exhibit 4 is a true and correct copy of an article in Entropic Communications' website titled "Entropic to Embed Audible Magic's SmartID Technology into the Set-Top Box System-on-a-Chip Platform" accessed on April 9, 2013. In this press release, Entropic Communications, Inc. describes the accused products' automatic-content-recognition capabilities.

6. Attached hereto as Exhibit 5 is a true and correct copy of a webpage titled "Technology Overview" located in Audible Magic's website and accessed on April 9, 2013.

I declare on April 11, 2013, in Marin County under penalty of perjury under the laws of the United States and California that the statements made in this declaration are true and correct.

/s/ Randall Garteiser
Randall T. Garteiser